



W.P.(MD)No.9499 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9499 of 2020

J.Gladson Julius

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road,
Chennai - 600 006.

2. The Chief Educational Officer,
Office of the Chief Educational,
Pudukkottai District.

3. The District Educational Officer,
District Educational Office,
Aranthangi,
Pudukkottai District.

4. The Block Educational Officer,
Aranthangi Union,
Pudukkottai District.

... Respondents



W.P.(MD)No.9499 of 2020

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned proceedings in Na.Ka.No.1874/A1/2018 dated 07.11.2019 on the file of the third respondent and consequently, direct the respondents to provide employment to the petitioner on compassionate ground.

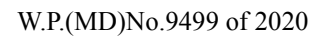
For Petitioner : Mr.S.Kumar

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned proceedings in Na.Ka.No.1874/A1/2018, dated 07.11.2019 passed by the third respondent and consequently, direct the respondents to provide employment to the petitioner on compassionate ground.

2. The case of the petitioner is that the petitioner's mother was working as a Secondary Grade Teacher in Panchayat Union Primary School, Ayingudi South, Aranthangi Union, Pudukottai District. While so, she died in harness on 21.10.2010 leaving behind her husband, the petitioner and his



3.The learned counsel for the petitioner would submit that the petitioner's mother died in the year 2010. The petitioner's father has made an application on 10.10.2013 within three years, i.e., within the prescribed period, from the death of the petitioner's mother and therefore, it cannot be stated that the application was submitted beyond the prescribed period of three years. After attaining the age of majority, the petitioner has submitted an application to the respondents seeking compassionate appointment in the year 2016. Accordingly, he prayed for appropriate orders.



W.P.(MD)No.9499 of 2020

WEB COPY

4. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner's father has made an application on 10.10.2013 for compassionate appointment to the petitioner. After attaining the age of majority, the petitioner has made an application on 04.07.2016, i.e., after a lapse of six years from the date of death of his mother. As per G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, any application for compassionate appointment may be submitted within a period of three years from the date of death of the Government Servants. In addition thereto, the applicant should have minimum age of 18 years. The issue that arises in the present Writ Petition is no longer *res integra* and the same was decided by the Hon'ble Full Bench of this Court in ***W.P.(MD) Nos.7016 of 2011 etc., batch*** dated 11.03.2020. Accordingly, he prayed for dismissal of the Writ Petition.

5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.



W.P.(MD)No.9499 of 2020

WEB COPY

6. The facts in the present case are not in dispute. Admittedly, the petitioner's mother passed away in the year 2010 and his father has made an application in the year 2013 for seeking compassionate appointment to the petitioner. After attaining the age of majority, the petitioner has made an application in the year 2016, i.e., after a lapse of six years from the date of death of his mother. As per the said G.O.(Ms).No.18, Labour and Employment (Q1) Department, dated 23.01.2020, the application has to be submitted within the prescribed of three years. But, in the present case, the petitioner has made an application after a lapse of six years. The issue with regard to compassionate appointment has been decided by the Full Bench of this Court in ***W.P.(MD) Nos.7016 of 2011 etc., batch dated 11.03.2020***. In a reference made to the Full Bench, the Full Bench has held as follows:

“In view of the above, the reference is answered as under:-

a) Appointment on compassionate basis has to be strictly followed in accordance with the relevant G.O.'s or the scheme that has been framed by the employer. Any deviation from the scheme is not permissible.

b) In view of the above the judgment of the Division Bench in E.Ramasamy Vs. Tamil Nadu Electricity



W.P.(MD)No.9499 of 2020

Board and the Secretary to Government Vs. Renugadevi, lays down the correct law and the judgment of the Division Bench dated 06.08.2013 in A.Kamatchi Vs. The Chairman, Tamil Nadu Electricity Board, which is contrary to the scheme framed by the Tamil Nadu Electricity Board does not lay down the correct proposition. Reference is answered accordingly."

7. Considering the above submissions and taking into account the ratio laid down by the Hon'ble Full Bench of this Court (*supra*), the prayer sought for in the present Writ Petition cannot be granted and this Writ Petition is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs.

21.12.2022

Index : Yes / No

Speaking Order : Yes / No

vji



W.P.(MD)No.9499 of 2020

WEB COPY

To

1. The Director of Elementary Education,
College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational,
Pudukkottai District.
3. The District Educational Officer,
District Educational Office,
Aranthangi,
Pudukkottai District.
4. The Block Educational Officer,
Aranthangi Union,
Pudukkottai District.



WEB COPY



W.P.(MD)No.9499 of 2020

M.DHANDAPANI,J.

vji

W.P.(MD)No.9499 of 2020

21.12.2022